

REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 1, 12, 18 and 19 have been amended. Claim 22 has been canceled. Claim 23 has been added. Therefore, claims 1, 4-12, 15-20 and 23 are under active consideration.

Claim 19 stands rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In support of the rejection, the Examiner commented,

Claim 19 includes the feature that the contact plate has a pivot point "along its length". Applicant amended claims 18 and 20 to remove this language based on examiner's previous Office Action, but failed to amend claim 19. The support applicant pointed out for this feature does not enable an artisan to understand what applicant means when using the terminology "along its length".

This rejection is respectfully traversed.

Applicant wishes to note to the Examiner claim 19 is being amended herewith in the same manner in which claims 18 and 20 were amended in the Amendment dated 9-17-03. Specifically, the feature that the contact plate includes "a pivot point along its length" has been amended for clarification purposes only to read that the contact plate includes "a pivot point, said pivot point being located within said contact plate." In this manner, it is to be understood that the pivot point (i.e., point 129 in Fig. 6) for the contact plate is located within the contact plate itself and not outside the contact plate (i.e., by means of a separate pivoting shuttle arm which is coupled to the contact plate). Applicant respectfully contends that the subject matter relating to this particular

feature is sufficiently described in the specification (*see, e.g.*, page 20, lines 19-22 of the subject patent application) and drawings (*see, e.g.*, Figs. 6 and 7(a)-(e)).

For at least the foregoing reason, withdrawal of the rejection of claim 19 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention is respectfully urged.

Claim 19 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In support of the rejection, the Examiner commented,

Claim 19 includes the feature that the contact plate has a pivot point "along its length". It is unclear what the applicant is trying to claim here. Pivot point (129) is located at one end of the contact plate as seen in Figure 6. There seems no way to have the pivot point be "along its length".

This rejection is respectfully traversed.

As noted above, claim 19 is being amended herewith in the same manner in which claims 18 and 20 were amended in the Amendment dated 9-17-03. Specifically, the feature that the contact plate includes "a pivot point along its length" has been amended for clarification purposes only to read that the contact plate includes "a pivot point, said pivot point being located within said contact plate." In this manner, it is to be understood that the pivot point (i.e., point 129 in Fig. 6) for the contact plate is located within the contact plate itself (at a point, or location, along its length) and not outside the contact plate (i.e., by means of a separate pivoting shuttle arm which is coupled to the contact plate). Applicant respectfully contends that the subject matter

relating to this particular feature is sufficiently described in the specification (*see, e.g.*, page 20, lines 19-22 of the subject patent application) and drawings (*see, e.g.*, Figs. 6 and 7(a)-(e)).

For at least the foregoing reason, withdrawal of the rejection of claim 19 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is respectfully urged.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,988,251 to A.R. Hunt et al. (hereinafter Hunt). In support of the rejection, the Examiner commented,

Hunt discloses a labeling device including a contact plate (5) which places a label (2) onto an object (8). (See Figures 1A and 1E.) The object (8) is advanced past the plate on conveyor (6). As can be seen in the Figure, the plate has a pivot point located within the contact plate. Figure 3 shows the pivot point for the embodiment of Figures 2A through 2C, the embodiment in Figures 1A through 1E would have the same pivot.

This rejection is respectfully traversed.

As a first point, applicant claims an apparatus, as amended herewith, for applying the transfer label of a transfer label assembly onto an object, said apparatus comprising, inter alia, a conveying mechanism for advancing the object along an arcuate path during the period of label transfer. To the contrary, the apparatus in Hunt does not disclose conveying an object along an arcuate path during the period of label transfer. Rather, Hunt discloses a label applying apparatus which conveys a box (8) along a linear path (as represented by arrow (9) in Figs. 1(a)-(e) of Hunt) during its period of label application. As can be appreciated, conveying an object for decoration along a arcuate path (as in applicant's claimed invention) rather than along a linear path (as shown

in Hunt) allows for the continuous decoration of objects at a high speed (e.g., using a turret), which is highly desirable.

As a second point, applicant claims an apparatus, as amended herewith, for applying the transfer label of a transfer label assembly onto an object, said apparatus comprising, inter alia, a conveying mechanism for advancing the object along an arcuate path during the period of label transfer, and a contact plate adapted to pivot between a first position and a second position during the period of label transfer, the contact surface of the contact plate continuously urging the transfer label into contact with the object throughout the period of label transfer, said contact plate extending tangential to the arcuate path when disposed in its first position of label transfer. To the contrary, Hunt does not disclose a contact plate which extends tangential to the arcuate path when disposed in its first position of label transfer. Rather, the pivoted arm (5) in Hunt extends substantially orthogonal to linear path (9) when disposed in its first position of label transfer. *See* Fig. 1(c) of Hunt.

As can be appreciated, disposing the contact plate of applicant's claimed invention at a tangential angle relative to the arcuate path of the object when disposed in its first position of label transfer provides numerous advantages. As a first advantage, the tangential positioning of the contact plate relative to the arcuate path serves to position the contact plate in position for label transfer without impeding the object from continuing along its arcuate path (i.e., without compromising the speed in which the object is decorated). As a second advantage, the tangential position of the contact plate relative to the arcuate path serves to greatly minimize the pivot range (i.e, the distance) which the contact plate must travel during the period of decoration. As a third advantage, the tangential position of the contact plate relative to the arcuate path serves to enable

the object to contact the plate along nearly its entire length, thereby maximizing the period of label transfer contact, which is highly desirable. *See* Figs. 7(a)-(e) of the subject patent application.

Withdrawal of the rejection of claim 18 as being anticipated by Hunt et al. is respectfully urged.

Claims 1, 12 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Good in view of U.S. Patent No. 3,709,755 to F.J. Wochner (hereinafter Wochner). In support of the rejection, the Examiner commented,

Good, Jr. discloses a labeling machine with a decorating unit in the form of a contact plate (62) which urges the label into contact with the article. (See Figure 13; Col.4, lines 1-12.) The object is supported on station (22) during transfer.

The platen in Good, Jr. is not heated.

Wochner discloses a labeling system where press platens (22, 28) are heated. (Col. 3, lines 42-65.) Also in Wochner is a preheater (19,24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a heated plate, like the one disclosed in Wochner, in the device of Good, Jr. specifically when using heat transferable labels. Artisans with knowledge of labeling realize that there are many types of labels which can be used in labeling containers, labels with pressure sensitive adhesive and heat sensitive adhesive, are two of the most widely used types. If an artisan decided to use the device in Good, Jr. with heat transfer labels, it is with the purview of the artisan to heat the transfer platen in Good, Jr. as taught by Wochner.

Regarding claim 12, in addition to the heated platens, Wochner discloses preheaters located before the pressure plates (22, 28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the preheaters into Good, Jr. along with the press plate heaters. The combination of the two would ensure that the adhesive is heated sufficiently for label transfer.

Regarding claim 19, the platen in Good, Jr. is adapted to pivot.

This rejection is respectfully traversed.

With respect to claims 1 and 12, as amended herewith, applicant respectfully contends that claims 1 and 12 are in allowable form, inter alia, for the reasons noted above in conjunction with

the rejection of claim 18. Specifically, neither Good nor Wochner, viewed separately or in combination, teach, disclose or suggest providing a decorating unit comprising, inter alia, (1) a conveying mechanism for advancing the object along an arcuate path during the period of label transfer and (2) a pivotally mounted contact plate which extends substantially tangential to the arcuate path when disposed in its first position of label transfer. For at least this reason, applicant respectfully contends that claims 1 and 12 are not rendered unpatentable over Good in view of Wochner.

With respect to claim 19, as a first point, applicant contends that claim 19 is in allowable form for being dependent upon claim 1, which applicant believes to be in allowable form for the reasons noted above.

As a second point, applicant maintains that claim 19 claims a decorating unit comprising, inter alia, a contact plate which includes a pivot point, said pivot point being located within said contact plate. To the contrary, the pressure pad (62) in Good does not include a pivot point which is located within the pressure pad (62). Rather, the pressure pad (62) in Good is fixedly supported (i.e., incapable of pivoting about a point located within the pressure pad) between plates (59 and 60). (See Figs. 7-11 and 13 and col. 4, lines 1-4 of Good). In fact, any movement of the pressure pad (62) in Good is accomplished by means of an independent shuttle arm (34) which is indirectly coupled to the pressure pad (62) through a pair of plates (59 and 60). As can be seen most clearly in Figs. 7-11 and 13 of Good, the pivot points (35 and 37) for the shuttle arm (34) are clearly located outside the pressure pad (62). As can be appreciated, providing a contact plate with a pivot point which is located within said contact plate allows for a significant increase in the period

of label transfer contact without significantly increasing the mechanical complexity of the decorating unit, which is highly desirable.

Withdrawal of the rejection of claims 1, 12 and 19 under 35 U.S.C. 103(a) as being unpatentable over Good in view of Wochner is respectfully urged.

Claims 4, 5, and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner as applied to claim 1 and 3 above, and further in view of U.S. Patent No. 6,402,868 to K. Tagawa et al. (hereinafter Tagawa) and U.S. Patent No. 5,650,028 to T.L. Brandt (hereinafter Brandt). In support of the rejection, the Examiner commented,

Good, Jr. in view of Wochner does not teach having a rubber layer on the heated applicator, however it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a rubber layer, because it is well known that rubber helps to uniformly distribute the heat. This would help ensure the entire label is heated and the adhesive thereon are heated sufficiently. This is discussed in Tagawa. (Col. 4, lines 14-18).

Regarding claims 5 and 15, it is within the purview of one having ordinary skill in the art to use a rubber layer of 80 durometer silicone. The artisan would see the advantages of using that type of rubber. This is shown in Brandt et al. (Col. 9, lines 26-46.)

This rejection is respectfully traversed.

With respect to claims 4, 5 and 15, applicant contends that claims 4 and 5 are in allowable form for being dependent upon claim 1, which applicant believes is in allowable form for the reasons noted above, and that claim 15 is in allowable form for being dependent upon claim 12, which applicant believes is in allowable form for the reasons noted above.

Withdrawal of the rejection of claims 4, 5 and 15 under 35 U.S.C. 103(a) as being unpatentable over Good in view of Wochner and further in view of Tagawa and Brandt is respectfully urged.

Claims 6-11, 16, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. as applied to claim 5 above, and further in view of U.S. Patent No. 5,817,210 to M.W. Morin (hereinafter Morin). In support of the rejection, the Examiner commented,

Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. does not disclose have a TEFLON fiberglass covering.

Morin teaches using a TEFLON fabric sheet (107), comprised of a 6 mil Teflon, fiberglass fabric whose purpose is to substantially reduce the tendency of the rubber pad (106) to stick to a transfer sheet. (Col. 4, lines 20-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a Teflon sheet, as disclosed in Morin, in the device of Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al., because Morin teaches that such a sheet would reduce the tendency of the transfer sheet from sticking to the rubber layer on the peeler bar. The Teflon sheet in Morin is .23 inches, however it is within the purview of one having ordinary skill in the art to use a thinner sheet, because the artisan would know what thickness of Teflon would work in the device of Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al.

Regarding claims 7 and 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the heat contact plate is capable of being heated to 450 degrees F, because it is within the purview of the artisan to know what temperature is needed to heat the adhesive on the label sufficiently to ensure the adhesive adheres to the article.

Regarding claims 8-11, these features are shown in the device of Good, Jr. as seen in Figure 1.

With regard to claims 6-11, applicant contends that claims 6-11 are in allowable form for being dependent upon claim 1, which applicant believes to be in allowable form for the reasons noted above.

With regard to claims 16 and 17, applicant contends that claims 16 and 17 are in allowable form for being dependent upon claim 12, which applicant believes is in allowable form for the reasons noted above.

Withdrawal of the rejection of claims 6-11, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. as applied to claim 5 above, and further in view of Morin is respectfully urged.

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Good in view of Wochner as applied to claim 12 above, and further in view of Hunt or U.S. Patent No. 4,840,694 to Brookman et al. (hereinafter Brookman). In support of the rejection, the Examiner commented,

Good, Jr. in view of Wochner does not disclose a pivot point being located with the contact plate.

Hunt discloses a labeling device including a contact plate (5) with a pivot point located within the contact plate.

Brookman discloses a pivoting plate (30) which is used to separate tabs (10) from a web (12). The plate (30) includes a pivot point within.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that an alternative to having the contact plate mounted on an arm which pivots would be to have the pivot point within the contact plate. One having ordinary skill in the art would appreciate that these are functionally equivalent alternative expedients and see that a plate with a pivot point located within it can be used in Good, Jr.

This rejection is respectfully traversed.

With regard to claim 20, applicant contends that claim 20 is in allowable form, inter alia, for being dependent upon claim 12, which applicant believes is in allowable form for the reasons noted above.

Withdrawal of the rejection of claim 20 under 35 U.S.C. 103(a) as being unpatentable over Good in view of Wochner as applied to claim 12 above, and further in view of Hunt or Brookman is respectfully urged.

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,808 to B.C. Ewert et al. (hereinafter Ewert) in view of U.S. Patent No. 3,709,755 to F.J. Wochner (hereinafter Wochner). In support of the rejection, the Examiner commented,

Ewert et al. discloses a label tamp for applying a label to an object. The contact surface extends almost the entire length of the label tamp.

The platen in Ewert et al. is not heated and a conveyor is not disclosed.

Wochner discloses a labeling system where press platens (22, 28) are heated. (Col. 3, lines 42-65.) The containers are conveyed to the labeling stations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a heated plate, like the one disclosed in Wochner, in the device of Ewert et al. specifically when using heat transferable labels. Artisans with knowledge of labeling realize that there are many types of labels which can be used in labeling containers, labels with pressure sensitive adhesive and heat sensitive adhesive, are two of the most widely used types. If an artisan decided to use the device in Ewert et al. with heat transfer labels, it is with the purview of the artisan to heat the transfer platen in Ewert et al. as taught by Wochner. Furthermore, conveyors are commonly used to put articles in the position to be labeled.

Applicant wishes to note to the Examiner that claim 22 is being canceled herewith.

Withdrawal of the rejection of claim 22 under 35 U.S.C. 103(a) as being unpatentable over Ewert et al. in view of Wochner is respectfully urged.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 1-28-04.

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